





The Town of Fenwick Island

800 Coastal Highway
Fenwick Island DE 19944-4409

WWW.fenwickisland.delaware.gov
PH 302.539.3011 FAX 302.539.1305

Regular Meeting of the Town Council
The Town of Fenwick Island
June 25, 2010 @3:30 PM
AGENDA

1. Flag Salute and Call to Order
2. President's Report
3. Topics for Discussion and Possible Action
 - a. Request to accept the Public Safety Building Committee recommendation for Architectural and Engineering Services – Mayor Serio
 - b. Resolution #46-2010 Resolution Adopting an All Hazard Mitigation Plan for The Town of Fenwick Island – Mayor Serio
 - c. Request to authorize up to \$5000 for a Tree Planting Grant – Council Member Carmean
 - d. Request to authorize up to \$500 to support the Cultural and Historic Preservation Sub-committee August 2010 activity – Council Member Smallwood
 - e. Fenwick Island Police Department Extra Duty Policy – Council Member Smallwood
 - f. Beach Committee request to hold Laser Light Show with DJ at July 3 Bonfire – Becka McWilliams
4. Approval of Minutes from May 21, 2010 Regular Council Meeting.
5. Treasurer's Report: Council Member Bunting
6. Town Manager's Report – Win Abbott
7. Department Reports: Beach Patrol, Building, Public Works and Police Department
8. Committee Reports: Beach, Environmental
9. Planning Commission: Winnie Lewis
10. Charter and Ordinance: Council Member Weistling
 - a. Proposed First Reading Chapter 127 Sanitation
 - b. Proposed Second Reading Chapter 131 Sewers
11. Old Business
12. New Business – No Action to be Taken
13. Public participation
14. Upcoming Events and Meetings
 - a. June 30 – Budget Committee 9:00 AM
 - b. July 3 – Reading in the Park 10:00 AM
 - c. July 3 – Town Bonfire (Rain Date 7/4) 6:30 PM – 10:00 PM
 - d. July 5 – Independence Day Holiday; Town Hall closed for regular business – open for sale of parking passes only
 - e. July 13 – Cultural & Historic Preservation Sub-committee and Planning Commission 1:30 PM and 2:30 PM respectively
 - f. July 17 – Reading in the Park 10:00 AM
 - g. July 23 – Regular Council Meeting 3:30 PM
15. Adjournment

This agenda is subject to change to include the deletion of items and the addition of items, including Executive Sessions, which arise at the time of the meeting.

Posted: June 16, 2010; June 18, 2010 For Discussion and Possible Action – remove donation request; add Beach Committee request; June 25, 2010 For Discussion and Possible Action additional item re Architectural & Engineering Services.



The Town of Fenwick Island

800 Coastal Highway
Fenwick Island DE 19944-4409

WWW.fenwickisland.delaware.gov
PH 302.539.3011 FAX 302.539.1305

NOTICE

On June 25, 2010 The Fenwick Island Town Council
Passed the Following Resolution #46-2010
**Resolution Adopting an All Hazard Mitigation Plan
For the Town of Fenwick Island, Delaware**

Whereas, the Disaster Mitigation Act of 2000, as amended, requires that local government develop and adopt natural hazard mitigation plans in order to receive certain federal assistance; and

Whereas, a local Hazard Mitigation Advisory Committee comprised of County governmental departments, Municipal council members, the business community, nonprofit organizations, and citizens working in Sussex County of the State of Delaware, convened in order to study the Town of Fenwick Island's risks from and vulnerabilities to, natural, technological and terrorist threats and hazards and to make recommendations on mitigating the effects of such hazards on the town; and

Whereas, a contract was issued to an experience consulting firm to work with the Sussex County Hazard Mitigation Advisory Committee and the Delaware Emergency Management Agency to develop a comprehensive all hazard mitigation plan for Sussex County of the State of Delaware; and

Whereas, the efforts of The Town of Fenwick Island, Sussex County, and the consulting firm have resulted in the development of an All Hazard Mitigation Plan for the County and the Town of Fenwick Island.

Therefore, the Town Council, of the Town of Fenwick Island, on behalf of the citizens and property owners of The Town of Fenwick Island, resolves that the All Hazard Mitigation Plan dated _____ is hereby approved and adopted for The Town of Fenwick Island and Sussex County of The State of Delaware.

Attest: _____

Agnes D. DiPietrantonio, Town Clerk

Audrey Serio, President of Council

Diane B. Tingle, Council Secretary

R. Gardner Bunting, Council Treasurer

Gene Langan, Council

William Weistling Jr., Council

Vicki L. Carmean, Council

Todd Smallwood, Council

I, Diane B. Tingle, Secretary of the Town Council, of the Town of Fenwick Island, Delaware, do hereby certify that the foregoing is a true and correct copy of the Resolution passed by the President and Council at a meeting on June 25, 2010, at which a quorum was present and voting throughout and the same is still in force and effect.

Date

Diane B. Tingle, Council Secretary

Minutes of the May 21, 2010 Regular Council Meeting

Call to Order and Flag Salute at 3:30 pm by Mayor Serio.

Council in Attendance: Weistling, Serio, Carmean, Bunting, Smallwood, Tingle and Langan

Topics for Discussion and Possible Action

a. AARP Chapter #5226 Request to Hold Used Book Sale (9/25/2010) on Nichols' Lot – Pat Schuchman

Building Official Schuchman advised Council that Mrs. Maureen Eisenhart, AARP Chairperson of Community Service for Chapter #5226 has permission from Nichols Management and Johnson Country Markets to use the lot to hold a Used Book sale on September 25, 2010 from 9AM – 3PM. Proceeds from the sale will be given to the Selbyville and Frankford Libraries. She requested Council's permission to hold the event.

Motion to approve – Council Member Carmean

Second – Council Member Langan

Discussion: None.

Vote: All in favor (7-0)

b. Resolution #44-2010 Rename W West Virginia Avenue – Town Manager Abbott

Town Manager Abbott introduced Resolution #44-2010 to rename W West Virginia Avenue to Oyster Bay Drive as part of the Sussex County 9-1-1 Street Re-naming Project.

Motion to accept Resolution #44-2010 – Council Member Tingle

Second: Council Member Bunting

Discussion – Council Member Weistling requested that the full text of the resolution be added to these minutes. (Resolution #44-2010 is attached to the end of this document).

Vote: All in favor (7-0)

Resolution #44-210 passed.

Approval of Minutes:

Motion to Approve the Minutes of April 23, 2010 Meeting - Council Member Carmean

Second: Council Member Smallwood

Discussion: Mayor Serio noted a minor error within the body of the document that did not require change ("an" should be "as").

Vote: All in favor (7-0)

Minutes Approved

Treasurer's Report:

Council Member Bunting noted that the financial report is included in the council meeting packet. The recent reallocation of funds is now showing positive results.

Discussion: Council Member Carmean expressed concern that not all property taxes are paid. Mayor Serio advised that the Town has sought direction from Town Solicitor Steen as to what action should be taken. Town Clerk DiPietrantonio reported that one of the two outstanding taxes due will be paid the beginning of next week. Council Member Carmean questioned the Comcast Cable fees. Mayor Serio advised that she has sought information on the matter and expects it to be resolved shortly. Mayor Serio noted that Fenwick Island Police Department has been aggressive in seeking grant funding and is showing good results.

Motion to Accept the Treasurer's Report - Council Member Tingle

Second - Council Member Langan

Vote: All in favor (7-0)

Treasurer's Report Approved

Town Manager Report:

- Town Manager Abbott reported that the re-allocation of funds has been resolved but that the results are not reflected in this month's financial statement.
- The Public Safety Building project is moving forward.
- The new Personnel Policy regarding Employee Benefits has been implemented.

Minutes of the May 21, 2010 Regular Council Meeting

- Street renaming – Bay Street will be renamed and Mr. Abbott is seeking a consensus among property owners on the affected street as to a new name.
- The Town will receive a reimbursement of \$2607 from FEMA for expenses related to a recent 48-hour snow event.
- Town Hall and the Public Works Building underwent an energy audit funded by the DE Energy Office. A vendor will provide results and assist with writing a grant to pay for upgrades.

DISCUSSION

- Council Member Weistling asked the status of the weekend parking sales staff; Mr. Abbott advised that the office is staffed on weekends and holidays for the sale of parking permits.
- Council Member Weistling asked the status of the replacement “Welcome” sign; Mr. Abbott reported that the sign has been ordered but, because it requires detailed work, it will not arrive for approximately another four weeks.
- Council Member Smallwood asked the status of the “Wedding House” on Atlantic Street. Mr. Abbott reported that the owner of the property recently met with him, Building Official Schuchman and FIPD Chief Boyden. Owner was advised that advertizing for this purpose is inconsistent with that particular zoning classification. The Town agreed to allow for the existing booked events by the owner and that the owner is responsible for providing additional police presence. FIPD provided two officers recently at time/half being paid by the owner. The Town has taken action to place the burden on the owner of the property. Mr. Smallwood expressed concern that the FIPD is being paid by the owner while wearing FIPD uniforms and that the FIPD is not a private security firm. He questioned the Town’s insurance coverage for this type of occurrence. Chief Boyden noted that the town allows its officers to direct traffic for events, most notably construction companies (paid for by them), and this has never been a concern. Council Member Smallwood advised that he is concerned that the FIPD presence exposes the Town to liability should personal injury occur. Mayor Serio requested Town Manager Abbott contact the Town’s insurance carrier for clarification. Continuing, Council Member Smallwood noted a recent noise violation, asking if this was the same house being discussed, and cited Town Ordinance regarding noise violations (three violations = revocation of rental license). A broad discussion of Town Code regarding rental licenses and noise ordinance violations followed. Council Member Carmean seconded Mayor Serio’s suggestion that Town Manager Abbott contact the Town’s insurance carrier for clarification.
- Council Member Weistling asked if the Town is allowing more wedding events in the fall; Mr. Abbott responded that the Town will honor the current contracts and that the owner must provide police services. Council Member Weistling suggested that the fall wedding might be changed since there is ample time to make alternate arrangements and, thus, not violate Town Ordinance. Mr. Abbott noted that Town Zoning Ordinance does not allow for “reception” facilities. The fact that the property owner chose to advertize his property(ies) as such are against zoning code; however, the Town was able to negotiate a compromise agreement that will allow him to honor current contracts that seems to be in the best interest of the Town and the property owner. Mayor Serio noted that the key here is that this was being advertized as a commercial venture. So long as a property owner does not advertize as a “reception” facility, the Town cannot stop his renting his properties (provided he has paid for his rental license and pays appropriate taxes). It is difficult to regulate the number of people in a home because you don’t know how many are staying overnight. The only way to stop problem rentals is by citing the disorderly conduct and/or noise ordinance violations. The Town has the mechanism to exert control over rentals. Council Member Bunting asked the length of rental license revocations; Mayor Serio advised that the Town cannot permanently revoke a property owner’s right to have a rental license. Council Member Bunting suggested that the Town might consider a way to permanently revoke a license. Mayor Serio tasked Council Member Weistling and the Charter and Ordinance Committee to research the topic.
- Council Member Weistling noted that the Town had a similar experience several years ago with the same individual but he is unsure of how it was resolved. Building Official, Pat Schuchman, advised that, because of a typographical error in the Town’s document, the individual’s attorney was able to successfully challenge the ordinance. The Town Ordinance has since been updated and, so far as she knows, the individual has been in compliance until now. Regarding the “three violations” rule, any property owner with three violations in a given year will receive written and oral notice of the violations. Revocation may be immediate or deferred. Council Member Weistling added that the recently revised Noise Ordinance should be helpful in curbing abuse.

Minutes of the May 21, 2010 Regular Council Meeting

Department Reports:

- Beach Patrol –No report
 - Lifeguard Schedule is Sat/Sun this weekend and Sat/Sun/Mon during Memorial Day weekend. Lifeguards begin full time the following Saturday after Memorial Day.
- Building Official – Report is included in the council packet.
 - Mrs. Schuchman recently attended a meeting regarding changes to the national energy code to be effective July 1, 2010. IECC 2009 (International Energy Conservation Code) is the national model standard under the American Recovery and Reinvestment Act (ARRA) of 2009 and is available on the Town web site <http://fenwickisland.delaware.gov/index.aspx?NID=911>. Essentially, all construction changes must be “energy star” rated with a few exceptions.

DISCUSSION

Council Member Weistling asked if this new information is being given to contractors when they visit her office. Mrs. Schuchman advised that she is giving the information out to contractors. Council Member Weistling suggested a hand-out be made a permanent part of the permitting process.

- Public Works: Report is included in the council packet.
 - Town Manager Abbott added that trash cans, lifeguard stands and the shuffleboard court are ready for the summer.

DISCUSSION

Council Member Weistling asked the status of the Public Works staff. Mr. Abbott advised that two members are currently on “light” duty but this does not represent a hardship for the department.

- Fenwick Island Police Department: Report included in the council packet.
 - Chief Boyden also reported that his department will host a Pedestrian and Bicycle Safety Checkpoint June 11, 2010 in cooperation with the University of Delaware and the Delaware Department of Highway Safety. It will be on Bunting Avenue. He also noted that the flexible cones in the bike path on Route 1, removed during the winter to facilitate snow removal, will be back in place shortly.

Committee Reports:

- Beach Committee –No report

DISCUSSION

Council Member Bunting asked about the status of the dune fencing. Council Member Langan advised that it is progressing; materials are in place and the Town is waiting for DNREC to complete installation. Council Member Smallwood noted that the Beach Cleanup is on Saturday, May 22, at 9:00 AM on Dagsboro Street beach.

- Environmental Committee –Council Member Carmean reported that the Town has been recognized for the 5th year as a Tree City USA. The Town expects to receive signs to that effect. The Tree Triage Program is complete. The Environmental Committee is now looking at another grant and is gathering information. It will present to Council at the June meeting. June 8 is the next committee meeting; rain barrels are still available for pickup. The Center for the Inland Bays (CIB) is hosting a meeting on June 10, 2010 for those interested in oyster farming.

Planning Commission: Report included in Council book.

Charter & Ordinance:

- Proposed First Reading of Chapter 127 Sanitation was withdrawn by Council Member Weistling.
- Council Member Weistling introduced a First Reading of Chapter 131 - Sewers (included at the end of these minutes).

Motion to accept – Council Member Weistling
Council Member Langan seconded.

Minutes of the May 21, 2010 Regular Council Meeting

DISCUSSION: Council Member Weistling advised that the proposed changes involve minor changes in wording and a change in fines.

DISCUSSION: None

Vote to accept the Proposed First Reading of Chapter 131 - Sewers: All in Favor.

Old Business:

- None

New Business – No Action to be Taken:

- None

Public Participation:

- Lynn Andrews (1205 N Schulz Rd) – Mrs. Andrews asked Council Member Bunting about the Town’s policy for smoke alarms in rental properties and if the Town is liable for damages if it issues a rental license to a facility that does not have one.
 - Council Member Bunting advised that the State of Delaware requires a smoke detector in all dwellings but he asked that Charter and Ordinance research a requirement to include carbon monoxide monitors in all dwellings. Placement is key to effective monitoring and ability to save lives. There is a 5–year life now for monitors and the monitor will emit an alarm when it needs replacing.
 - Mayor Serio advised that a home for sale will not transfer until/unless a smoke alarm is installed and that many rental companies require smoke detectors before they list the property. Council Member Bunting added that it is difficult to verify the existence of a working smoke alarm without conducting a physical inspection each year. He noted that the Ocean City (MD) police and fire are required to note the existence of smoke alarms each time they enter a building for any unusual occurrence. Council Member Weistling asked if the Town would not be more liable if an ordinance is in place and the alarm doesn’t function.
- Lynn Andrews – questioned the mandatory bulk heading law and its enforcement by DNREC. Mrs. Andrews asked who is liable for damages in a failure to maintain. Building Official Schuchman advised that the Town recently compelled a property owner to make repairs.
- Mary Pat Kyle (1205 Bunting Ave) – thanked Council for its intervention regarding trash pickup. Mrs. Kyle asked who is responsible to check swimming pools at rental properties and, when the Town issues a rental license, does it make the Town liable for injury. Mayor Serio advised that tenants will complain to the property owner if a swimming pool is not maintained. The rental license is a “business” license and as such does not make the town liable for damages.
- Martha Keller (1312 Bora Bora St) – suggested that those seeking a rental license sign a paper indicating that smoke detectors, pools, etc are in working order. Mayor Serio suggested that the Town explore this with its attorney.
- Martha Keller – suggested that the Town charge an extra fee for Police and Trash service to those seeking a rental license. She also suggested an additional fee for greater than twelve day guests. Mayor Serio advised that this may be discriminatory.
- Dick Bowman (7 W Dagsboro St) – thanked Council for its expression of sympathy. Mr. Bowman noted that the Fenwick Island Lions Club will have a pancake buffet on June 5, 2010 at Harpoon Hannah’s. Cost is \$8.
- Mike Quinn (5 W Houston St) – asked if there are any restrictions on the bulk trash pick up and if the Town received any calls about the missed curbside recycling pickup. Mayor Serio advised there are no restrictions that she is aware of. Mr. Abbott advised that the recycling company is now on proper summer schedule. Mayor Serio noted that you may leave the recycle bin out if the company misses a Friday pickup; it must be put away once its been emptied.
- Council Member Carmean advised that the Barefoot Gardeners will host a plant sale on May 29. Proceeds from the sale benefit community oriented projects. This year’s special project is Justin’s House in Bethany Beach.

Minutes of the May 21, 2010 Regular Council Meeting

President's Report:

- Mayor Serio requested that Town Hall make available to rental agents a booklet with rules and regulations for summer visitors
- SCAT (Sussex County Association of Towns) meeting was in Bridgeville. Next meeting is hosted by Slaughter Beach. Next Ambulance meeting will be the first week in June.
- Council Member Tingle added that the recent Coffee with Rep Hocker was well attended. In response to a question from Lynn Andrews, Mrs. Tingle advised that the proposed casino for Indian River Inlet was discussed. Council Member Bunting advised that he understands the proposal is being withdrawn; Mayor Serio advised that Sussex County Council has issued a moratorium on all casino activity pending further study.
- Mayor Serio made note of upcoming meetings.
- Mayor Serio thanked the Fenwick Island Society of Homeowners (FISH) for including a voter registration form in their recent flyer.
- Mayor Serio asked the status of the Memorial Day Service. That will be on Saturday, May 29, 2010 at 10:00 am.
- Council Member Carmean asked if residents who recently underwent a street name change should re-register to vote. Town Clerk DiPietrantonio advised that those who have had an "involuntary" address change do not need to re-register; the changes have been handled internally.
- Dick Bowman asked if Board of Election meetings might be held on June 25. Mayor Serio advised that there are strict time restraints regarding elections and that June 23 is the within the required time frame.

Motion to Adjourn: Council Member Tingle

Second: Council Member Langan

All in favor Motion passed (7-0)

Mayor Serio adjourned the meeting at 4:32 PM.

Respectfully submitted,

Agnes DiPietrantonio, Town Clerk
For Diane Tingle, Secretary

Minutes of the May 21, 2010 Regular Council Meeting

NOTICE

On May 21, 2010 The Fenwick Island Town Council
Passed the Following Resolution #44-2010
Renaming of West West Virginia Avenue

Whereas, it has been determined that in order to better serve the health, safety and welfare of the citizens of Sussex County that it be necessary to adopt an ordinance establishing standards for naming roadways, posting street signs and assigning numbers to all dwellings and businesses that will assist emergency services, the United States Postal Service the public in the timely and efficient provision of services to these residents and business; and

Whereas, the Town of Fenwick Island did, on October 24, 2008, resolve to enlist the services of the Sussex County Mapping and Addressing Departments to assist in re-addressing and re-naming streets within the Town limits that have been identified as areas of concern for Public Safety; and

Whereas, the street currently named West West Virginia Avenue, has been found to be an area of concern; and, through outreach to its citizens, have found names that meet County standards and that are acceptable to residents.

Therefore, the Town Council, of the Town of Fenwick Island, on behalf of the citizens and property owners of The Town of Fenwick Island, in order to accomplish this goal, do hereby establish the following name for this street : West West Virginia Avenue to be renamed "Oyster Bay Drive."

Attest: _____
Agnes D. DiPietrantonio, Town Clerk

Audrey Serio, President of Council

Diane B. Tingle, Council Secretary

I, Diane B. Tingle, Secretary of the Town Council, of the Town of Fenwick Island, Delaware, do hereby certify that the foregoing is a true and correct copy of the Resolution passed by the President and Council at a meeting on May 21, 2010, at which a quorum was present and voting throughout and the same is still in force and effect.

Date

Diane B. Tingle, Council Secretary

Minutes of the May 21, 2010 Regular Council Meeting

PROPOSED FIRST READING – MAY 21, 2010

Chapter 131, SEWERS

EXISTING:

§ 131-1. Permission to construct and maintain sewage system.

Sussex County is hereby granted permission to construct, maintain, operate, repair and replace water distribution and sanitary sewage collection lines, force mains, lift station, pump stations, manholes and other appurtenances within the rights-of-way of all roads within the town limits which are dedicated to public use in accordance with the requirements of Title 9, Chapter 67, Paragraph 6703 of the Delaware Code, provided that all roads of Fenwick Island that are damaged or removed in the course of water and sewer facility installation and repair shall be replaced in accordance with the Delaware Division of Highways standards for secondary roads and paving damaged or removed from roads maintained by the Delaware Division of Highways shall be replaced in accordance with the Delaware Division of Highways' requirements. The cost thereof shall be made by and at the sole expense of Sussex County.

§ 131-3. Determination and notice of violation.

A. The Town Commissioner of Health and Sanitation, a designee he appoints or a designee of the Town Council shall have discretion in determining when there exists a condition such as set forth in § 131-2 above which is or threatens in any way to be dangerous to the safety or health of the people of Fenwick Island.

B. After making such a determination the Town Commissioner of Health and Sanitation, a designee he appoints or designee of the Town Council shall give written notice of the violation to the owner and/or occupant of the property on which the condition exists. The notice shall set a time limit for correction, removal or abatement of the condition, which period shall not exceed fifteen (15) days. Said notice may be served by the Commissioner of Health and Sanitation, any member of the Town Council, Police Department or town employee, or it may be served by mailing by registered or certified mail with return receipt.

§ 131-4. Violations and penalties.

B. Any person found guilty of failing to correct, remove or abate a dangerous to safety or health condition shall be fined not less than twenty-five dollars (\$25.) nor more than fifty dollars (\$50.) for each offense; and it shall be determined that each day that the condition exists after the date set for correction, removal or abatement shall constitute a separate offense, thereby permitting the imposition of a fine for each day of a continuing offense.

C. If a condition such as set forth in § 131-2 is determined by the Town Commissioner of Health and Sanitation, a designee he appoints or a designee of the Town Council to be an emergency and the owner and/or occupant is not available for receipt of notification such as set forth in § 131-3 or if the owner fails to comply with the notification as set forth in § 131-3 within the prescribed time, the town shall have full power and authority to enter into or upon the property in question with such personnel, implements, equipment and vehicles as may be necessary and proper to correct, remove or abate such a condition dangerous to safety or health. Any expense incurred by the town in performing such work, labor and proceedings shall constitute a lien on the property with interest at the lawful rate and shall be collected in the same manner as provided for the collection of delinquent taxes. The payment for such expense shall be in addition to any penalties that may be imposed by Subsection B of this section.

PROPOSED:

§ 131-1. Permission to construct and maintain sewage system.

Remove "water distribution and".

§ 131-3. Determination and notice of violation.

(Replace subsections "A" and "B" as follows:)

A. *The Town Council shall appoint a designee who shall have discretion in determining when there exists a condition such as set forth in § 131-2.*

B. *After such determination has been given, the Town Manager shall give written notice of the violation to the owner and/or occupant of the property on which the condition exists. The notice shall set a time for correction, removal or abatement of the condition, which period shall not exceed fifteen (15) days.*

§ 131-4. Violations and penalties.

B. Upon conviction, such person found guilty of failing to correct, remove or abate a dangerous to safety or health condition shall be fined \$200 for each offense. It shall be determined that each day that the condition exists after the date set for correction, removal or abatement shall constitute a separate offense, thereby permitting the imposition of a fine for each day of a continuing offense.

(Replace subsection "C" as follows:)

C. If such condition as set forth in § 131-2 is determined by the Town of Fenwick Island to be an emergency and the owner and/or occupant is not available for receipt of notification such as set forth in § 131-3 or if the owner fails to comply with the notification as set forth in § 131-3 within the prescribed time, the Town of Fenwick Island shall have the power to enter the property and correct the problem. The payment for such expense shall be in addition to any penalties that may be imposed by Subsection B of this section.

TOWN OF FENWICK ISLAND
2009-10 REALTY TRANSFER TAX FUND

<u>MONTH</u>	<u>STARTING BALANCE</u>	<u>TAXES COLLECTED</u>	<u>INTEREST</u>	<u>TRANSFERS IN</u>	<u>TRANSFERS OUT</u>	<u>ENDING BALANCE</u>
August '09	1,670,724	0	985	0	-653	1,671,030
September '09	1,671,030	0	994	0	-631	1,671,393
October '09	1,671,393	7800	2,530	0	-653	1,681,070
November '09	1,681,070	0	1043	0	-631	1,681,482
December '09	1,681,482	33,450	2,174	0	-653	1,716,453
January '10	1,716,453	35,550	1302	0	-652	1,752,653
February '10	1,752,653	0	1,221	0	-590	1,753,284
March '10	1,753,284	25875	1252	0	14252	1,766,158
April '10	1,766,158	0	3421	0	7334	1,762,245
May '10	1,762,245	0	2128	0	632	1,763,741

Transfer detail:
\$632 to General Fund as interest income

TOWN OF FENWICK ISLAND
MONTHLY RECONCILIATION OF ACCOUNTS
MAY 31, 2010

Company	Account	Beginning Balance	Ending Balance
Town of Fenwick Island		739,215.73	656,897.20
	General Fund Checking	37,730.00	67,171.68
	General Fund Savings	368,794.62	289,216.40
	General Fund Savings DELGIP	30,936.96	0.00
	WSFS Bank	300,000.00	300,000.00
	Payroll Fund	1,554.15	309.12
	Petty Cash	200.00	200.00
Municipal Street Aid		0.07	0.00
	Checking	0.00	0
	Savings		
Law Enforcement Grants		159.66	3,564.86
	SALLE (State Aid to Local)	3.28	3.28
	EDIE (Drug Enforcement)	0.10	3,405.29
	SLEAF	30.00	30.00
	Criminal Justice Block Grant	126.28	126.29
Reserve Accounts			
Parks & Recreation		2,650.79	2,485.78
Beach Replenishment		35,368.01	35,371.16
Compensated Absence		18,549.71	18,549.71
Realty Transfer Funds		1,762,270.71	1,763,767.51
	Wilmington Trust Reserve	1.39	0
	Bank of Delmarva Reserve	315,455.48	315,825.46
	Bank of Ocean City Non-Reserve	700,621.08	883,702.62
	PNC Realty transfer	36,597.36	36,626.83
	PNC 13 month CD	178,291.40	178,291.40
	Sussex County FCU CD	349,321.20	349,321.20
	Edward Jones	181,982.80	0.00

TOWN OF FENWICK ISLAND

Profit & Loss Budget vs. Actual

August 2009 through May 2010

TOTAL

	% of E	May 10	Aug '09 - May 10	Budget	\$ Over Budget	% of Budget
Income						
43000 · Taxes						
41020 · Property Taxes		474.28	621,705.84	625,000.00	-3,294.16	99.47%
42010 · Rental Receipt Tax		4,635.82	234,145.65	275,000.00	-40,854.35	85.14%
43000 · Taxes - Other		0.00	86.74			
Total 43000 · Taxes		5,110.10	855,938.23	900,000.00	-44,061.77	95.1%
44550 · Charges for Services - Admin						
43010 · License Fees - OC		2,685.00	41,341.00	35,000.00	6,341.00	118.12%
43020 · License Fees - RU		1,632.00	22,296.00	22,500.00	-204.00	99.09%
43030 · License Fees - RM		1,074.00	24,842.44	25,000.00	-157.56	99.37%
44010 · Garbage Collection Fees		262.00	179,671.14	178,160.00	1,511.14	100.85%
44020 · Comcast Cable Fees		5,991.30	22,019.68	28,000.00	-5,980.32	78.64%
44030 · Ambulance Service Fee		33.00	26,862.00	27,120.00	-258.00	99.05%
45100 · Building Permit Fees		2,482.50	108,106.69	75,000.00	33,106.69	144.14%
Total 44550 · Charges for Services - Admin		14,159.80	425,138.95	390,780.00	34,358.95	108.79%
44800 · Fines & Forfeitures						
46100 · Penalties		344.22	3,590.69	3,000.00	590.69	119.69%
46200 · Traffic Fines		360.00	16,839.31	35,000.00	-18,160.69	48.11%
46300 · Parking Violation Fees		275.00	11,802.85	20,000.00	-8,197.15	59.01%
Total 44800 · Fines & Forfeitures		979.22	32,232.85	58,000.00	-25,767.15	55.57%
45000 · Investments						
45030 · Interest-Investments		0.00	1,305.38			
47100 · Interest Income		762.93	7,097.49	9,000.00	-1,902.51	78.86%
Total 45000 · Investments		762.93	8,402.87	9,000.00	-597.13	93.37%
46430 · Revenue - Admin						
45320 · Contractor Decals		20.00	245.00			
45330 · Bonfire Permits		1,150.00	3,020.00	2,500.00	520.00	120.8%
46400 · Other Types of Income		150.00	150.00			
47120 · Town Hall Rental Fee		0.00	780.00	2,000.00	-1,220.00	39.0%
47150 · Photo/Audio Copy Fee		0.00	13.50	100.00	-86.50	13.5%
47200 · Parking Permits		3,250.00	9,195.00	25,000.00	-15,805.00	36.78%
47275 · Public Hearing Fee		0.00	275.00			
47300 · Miscellaneous Income		175.00	592.20	5,000.00	-4,407.80	11.84%
47800 · Sale of Equipment		5.00	50.00			
48100 · Insurance Reimbursemen		0.00	8,299.96	5,000.00	3,299.96	166.0%
48200 · Income restrict purpose		-40.50	632.87			

TOWN OF FENWICK ISLAND Profit & Loss Budget vs. Actual

August 2009 through May 2010

TOTAL

	% of E	May 10	Aug '09 - May 10	Budget	\$ Over Budget	% of Budget
Total 46430 · Revenue - Admin		4,709.50	23,253.53	39,600.00	-16,346.47	58.72%
46440 · Miscellaneous Revenue - Police						
47160 · Police Accident Report Fe		0.00	300.00	200.00	100.00	150.0%
47161 · Salary OT Reimbursemen		0.10	3,298.64	7,000.00	-3,701.36	47.12%
Total 46440 · Miscellaneous Revenue ·		0.10	3,598.64	7,200.00	-3,601.36	49.98%
47000 · Intergovernmental Rev Lifeguard						
47280 · State Beach Lifeguard Re		0.00	11,000.00	47,000.00	-36,000.00	23.4%
47290 · Lifeguard - County Grant		0.00	10,000.00			
Total 47000 · Intergovernmental Rev L		0.00	21,000.00	47,000.00	-26,000.00	44.68%
47050 · Intergovernmental Rev Police						
42795 · State Grants for Police		-3,405.29	8,000.00			
47285 · County Police Grant		0.00	20,000.00	12,500.00	7,500.00	160.0%
47900 · DEMA Homeland Security		0.00	15,974.24			
Total 47050 · Intergovernmental Rev P		-3,405.29	43,974.24	12,500.00	31,474.24	351.79%
48150 · Junior Lifeguard		0.00	0.00	2,500.00	-2,500.00	0.0%
Total Income		22,316.36	1,413,539.31	1,466,580.00	-53,040.69	96.38%
Expense						
61100 · POLICE DEPARTMENT						
61110 · Police Salaries		18,506.24	209,952.19	275,000.00	-65,047.81	76.35%
61140 · Police Life Insurance		69.75	831.04	1,400.00	-568.96	59.36%
61150 · Police Health Insurance		3,769.11	38,050.18	50,982.00	-12,931.82	74.64%
61160 · Police Payroll Taxes		0.00	10,892.12	24,700.00	-13,807.88	44.1%
61170 · Police Pension Expense						
61171 · Police - State Pensio		0.00	-5,528.97	-36,000.00	30,471.03	15.36%
61170 · Police Pension Expe		2,319.38	24,394.29	50,000.00	-25,605.71	48.79%
Total 61170 · Police Pension Expe		2,319.38	18,865.32	14,000.00	4,865.32	134.75%
61180 · Police Workers Compens		1,399.68	8,737.04	23,600.00	-14,862.96	37.02%
61210 · Police Supplies		0.00	2,967.77	3,000.00	-32.23	98.93%
61220 · Police Office Supplies		182.71	2,777.57	5,000.00	-2,222.43	55.55%
61310 · Police Office Equip Maint		13.46	641.55	1,000.00	-358.45	64.16%
61320 · Police Printing & Advertis		0.00	271.77	2,000.00	-1,728.23	13.59%
61330 · Police Uniforms		0.00	1,791.03	4,000.00	-2,208.97	44.78%
61335 · Police Computers		120.15	2,413.86	5,000.00	-2,586.14	48.28%
61340 · Police Vehicle Maintenan		101.00	3,976.99	4,000.00	-23.01	99.43%
61345 · Police Gas & Oil		1,008.55	8,738.05	15,000.00	-6,261.95	58.25%

TOWN OF FENWICK ISLAND
Profit & Loss Budget vs. Actual

August 2009 through May 2010

TOTAL

	% of E	May 10	Aug '09 - May 10	Budget	\$ Over Budget	% of Budget
61350 · Police Radio & Comm Equi		0.00	67.50			
61370 · Police Vehicle Acquisitior		0.00	15,822.00			
61380 · Police Training		0.00	1,735.25	3,000.00	-1,264.75	57.84%
61390 · Police Miscellaneous Exp		10.61	374.35			
61410 · Police Capital Expenditur		6,920.03	16,087.93			
61100 · POLICE DEPARTMENT - C		0.00	0.00			
Total 61100 · POLICE DEPARTMENT		34,420.67	344,993.51	431,682.00	-86,688.49	79.92%
61500 · LIFEGUARDS						
61510 · Lifeguard Salaries						
61515 · Lifeguard Salaries - S		0.00	21,272.56	59,290.00	-38,017.44	35.88%
61510 · Lifeguard Salaries - C		1,582.40	53,571.66	100,960.00	-47,388.34	53.06%
Total 61510 · Lifeguard Salaries		1,582.40	74,844.22	160,250.00	-85,405.78	46.71%
61530 · Lifeguard Payroll Taxes						
61535 · Lifeguard Payroll Tax		0.00	1,868.78	4,140.00	-2,271.22	45.14%
61530 · Lifeguard Payroll Tax		0.00	4,103.54	6,860.00	-2,756.46	59.82%
Total 61530 · Lifeguard Payroll Ta		0.00	5,972.32	11,000.00	-5,027.68	54.29%
61540 · Lifeguard Workmans Con		763.42	4,765.26	8,500.00	-3,734.74	56.06%
61610 · Lifeguard Supplies & Equipment						
61735 · Lifeguard Supp & Eq		0.00	0.00			
61610 · Lifeguard Supplies &		705.00	2,493.02	3,000.00	-506.98	83.1%
Total 61610 · Lifeguard Supplies i		705.00	2,493.02	3,000.00	-506.98	83.1%
61620 · Lifeguard Uniforms						
61740 · Lifeguard Uniform - S		0.00	0.00			
61620 · Lifeguard Uniforms -		0.00	3,825.05	4,000.00	-174.95	95.63%
Total 61620 · Lifeguard Uniforms		0.00	3,825.05	4,000.00	-174.95	95.63%
61630 · Lifeguard Junior Guards		-1,005.00	-1,005.00	400.00	-1,405.00	-251.25%
61640 · Lifeguard Chair & Sign Maint						
61750 · Lifeguard Chair & Sig		0.00	0.00			
61640 · Lifeguard Chair & Sig		7.99	482.10	500.00	-17.90	96.42%
Total 61640 · Lifeguard Chair & Si		7.99	482.10	500.00	-17.90	96.42%
61665 · Lifeguard Training		0.00	0.00	500.00	-500.00	0.0%
61670 · Lifeguard USLA Certificat		0.00	0.00	900.00	-900.00	0.0%
61675 · Lifeguard Gasoline		0.00	93.64	200.00	-106.36	46.82%
61710 · Lifeguard Misc Expenses		119.97	453.47	500.00	-46.53	90.69%
Total 61500 · LIFEGUARDS		2,173.78	91,924.08	189,750.00	-97,825.92	48.45%

TOWN OF FENWICK ISLAND Profit & Loss Budget vs. Actual

August 2009 through May 2010

TOTAL

	% of E	May 10	Aug '09 - May 10	Budget	\$ Over Budget	% of Budget
61800 · PUBLIC WORKS DEPARTMENT						
61830 · Public Works Life Insurar	96.75		814.77	800.00	14.77	101.85%
61840 · Public Works Health Insu	2,614.53		26,545.49	32,822.00	-6,276.51	80.88%
61850 · Public Works Payroll Tax	0.00		6,186.10	15,750.00	-9,563.90	39.28%
61870 · Public Works Pension Ex	1,034.16		12,214.10	13,900.00	-1,685.90	87.87%
61880 · Public Works Workmans	665.72		4,155.16	12,185.00	-8,029.84	34.1%
61905 · Public Works Training	0.00		80.00	1,500.00	-1,420.00	5.33%
61910 · Public Works Office Supp	0.00		48.92	250.00	-201.08	19.57%
61920 · Public Works Shop Suppl	41.44		697.38	1,500.00	-802.62	46.49%
61930 · Public Works Shop Equip	89.00		713.92	2,500.00	-1,786.08	28.56%
61940 · Public Works Safety Equi	0.00		260.83	500.00	-239.17	52.17%
62010 · Public Works Printing & A	0.00		0.00	200.00	-200.00	0.0%
62015 · Public Works Utilities	87.36		3,996.27	5,000.00	-1,003.73	79.93%
62020 · Public Works Bldg Mainte	13.04		123.29	600.00	-476.71	20.55%
62025 · Public Works Uniforms	0.00		183.97	500.00	-316.03	36.79%
62030 · Public Works Gas & Oil	437.78		2,702.02	4,000.00	-1,297.98	67.55%
62035 · Public Works Repairs & M	99.11		519.72	2,000.00	-1,480.28	25.99%
62050 · Public Works Landfill Cha	0.00		300.00			
62060 · Public Works Miscellanec	103.92		433.91			
62075 · Public Works CDL Testin	142.50		646.50	500.00	146.50	129.3%
62100 · Public Works Contract Se	0.00		140.90			
62120 · Public Works Capital Exp	0.00		124.53			
Total 61800 · PUBLIC WORKS DEPAR		5,425.31	60,887.78	94,507.00	-33,619.22	64.43%
61805 · PW Personnel Costs						
61810 · Public Works Salaries	11,275.21		121,639.41	150,000.00	-28,360.59	81.09%
Total 61805 · PW Personnel Costs		11,275.21	121,639.41	150,000.00	-28,360.59	81.09%
62200 · ADMINISTRATION						
62210 · Admin Salaries	11,939.51		125,849.28	157,500.00	-31,650.72	79.9%
62220 · Admin Life Insurance	76.50		718.86	600.00	118.86	119.81%
62230 · Admin Health Insurance	3,062.59		33,895.87	45,344.00	-11,448.13	74.75%
62240 · Admin Payroll Taxes	0.00		6,604.64	15,900.00	-9,295.36	41.54%
62250 · Admin Pension Expense	1,121.50		7,453.22	8,500.00	-1,046.78	87.69%
62255 · Admin Workers Comp	87.18		544.54	12,700.00	-12,155.46	4.29%
62260 · Admin Financial Services	51.66		4,135.17	2,500.00	1,635.17	165.41%
62310 · Admin Office Equip Maint	492.84		6,301.94	6,000.00	301.94	105.03%
62320 · Admin Office Supplies	111.97		2,677.50	5,000.00	-2,322.50	53.55%
62330 · Admin Travel Reimburs	37.28		158.53	1,500.00	-1,341.47	10.57%
62332 · Admin Vehicle Acquisition	358.92		3,586.50	3,225.00	361.50	111.21%

TOWN OF FENWICK ISLAND
Profit & Loss Budget vs. Actual
August 2009 through May 2010

August 2009 through May 2010			TOTAL			
	% of E	May 10	Aug '09 - May 10	Budget	\$ Over Budget	% of Budget
62334 · Admin Vehicle Fuel/Maint		147.51	668.71	2,000.00	-1,331.29	33.44%
62340 · Admin Printing & Advertis		0.00	56.00	100.00	-44.00	56.0%
62350 · Admin Training		0.00	1,584.80	3,500.00	-1,915.20	45.28%
62360 · Admin Miscellaneous Exp		50.00	204.58			
62370 · Admin Parking Permits		0.00	1,429.50	2,500.00	-1,070.50	57.18%
62410 · Admin Capital Expenditur		0.00	785.00			
Total 62200 · ADMINISTRATION		17,537.46	196,654.64	266,869.00	-70,214.36	73.69%
63200 · GENERAL GOVERNMENT						
63205 · Gen Gov Insurance		983.00	57,167.00	60,000.00	-2,833.00	95.28%
63210 · Gen Gov Telephone		692.26	6,906.08	7,500.00	-593.92	92.08%
63220 · Gen Gov Website		0.00	107.40	2,500.00	-2,392.60	4.3%
63225 · Gen Gov Legal		2,573.57	5,699.96	18,000.00	-12,300.04	31.67%
63230 · Gen Gov Audit		0.00	8,600.00	8,500.00	100.00	101.18%
63235 · Gen Gov Postage		0.00	2,147.15	3,000.00	-852.85	71.57%
63240 · Gen Gov Printing & Adver		391.83	1,355.68	1,500.00	-144.32	90.38%
63245 · Gen Gov Utilities		655.92	9,738.26	14,000.00	-4,261.74	69.56%
63250 · Gen Gov Appraisal		0.00	0.00	5,500.00	-5,500.00	0.0%
63255 · Gen Gov Emergency Mgrn		0.00	70.00	500.00	-430.00	14.0%
63260 · Gen Gov Sewer		119.00	457.00	500.00	-43.00	91.4%
63265 · Gen Gov Dues		384.00	474.00	500.00	-26.00	94.8%
63270 · Gen Gov Service Grants		0.00	0.00	3,000.00	-3,000.00	0.0%
63271 · Gen Gov Recycling		4,124.28	21,698.53			
63272 · Gen Gov Building Mainte		3,076.96	4,940.28	6,000.00	-1,059.72	82.34%
63273 · Gen Gov Cell Phones		392.81	3,778.04	5,000.00	-1,221.96	75.56%
63274 · Gen Gov Contract Service		188.13	3,082.30	3,800.00	-717.70	81.11%
63275 · Gen Gov County Fee Tax		0.00	0.00	800.00	-800.00	0.0%
63280 · Gen Gov Contingencies		2,984.11	3,694.49	5,000.00	-1,305.51	73.89%
63281 · Gen Gov Employee Relati		136.05	2,478.05	3,000.00	-521.95	82.6%
63285 · Gen Gov Codification		0.00	1,195.00	5,000.00	-3,805.00	23.9%
63290 · Gen Gov Pension Admini		0.00	3,528.03	1,500.00	2,028.03	235.2%
63300 · Gen Gov Government Lia		70.00	1,290.79	2,000.00	-709.21	64.54%
63305 · Gen Gov Supplies Mediar		49.94	228.74			
63310 · Gen Gov Community Proj		197.99	631.46	1,000.00	-368.54	63.15%
63320 · Gen Gov Community Outr		0.00	366.39	1,000.00	-633.61	36.64%
63325 · Gen Govt Ambulance Ser		0.00	18,225.00	27,120.00	-8,895.00	67.2%
63330 · Gen Govt Trash Collectio		10,044.75	102,197.58	167,552.00	-65,354.42	61.0%
63340 · Gen Gov Beach Clean-up		0.00	11.16			
63410 · Gen Gov Capital Expendit		23.88	24,730.12			
Total 63200 · GENERAL GOVERNMEN		27,088.48	284,798.49	353,772.00	-68,973.51	80.5%

TOWN OF FENWICK ISLAND
Profit & Loss Budget vs. Actual
August 2009 through May 2010

TOTAL

	% of E	May 10	Aug '09 - May 10	Budget	\$ Over Budget	% of Budget
63350 • Municipal Streets Expense		1,800.58	5,215.61			
63360 • Municipal Streets Lighting Exp		1,113.01	4,292.00			
66000 • Payroll Expenses		3,461.69	17,010.56			
66900 • Reconciliation Discrepancies		0.00	2,044.29			
Total Expense		<u>104,296.19</u>	<u>1,129,460.37</u>	<u>1,486,580.00</u>	<u>-357,119.63</u>	<u>75.98%</u>
		<u>-81,979.83</u>	<u>284,078.94</u>	<u>-20,000.00</u>	<u>304,078.94</u>	<u>-1,420.4%</u>
Net Income		<u><u>-81,979.83</u></u>	<u><u>284,078.94</u></u>	<u><u>-20,000.00</u></u>	<u><u>304,078.94</u></u>	<u><u>-1,420.4%</u></u>

Beach Patrol Report
Council Meeting June 25, 2010

Overview: The summer season of 2010 has started and the patrol is off to a great start. Weather and crowds have already kept us on the alert for what seems to be another busy season. We had no rescues our first two weekend but had one medical emergency that prompted a very nice letter from the beach patrons. We look forward to another outstanding season for the Fenwick Island Beach Patrol.

Staff: Our staff consists of 26 guards and the Captain. We had a very high return rate and only have 4 rookies on the staff this year. Hence, we have a very experienced, professional group of guards to patrol the beaches this summer.

Competition: The competition season starts June 21st and continues through the second week of August culminating in the National Championships in Huntington Beach, Ca. The guards have already started preparing for another impressive showing of their talents and skills.

Junior Guards: Registration has begun and sessions are filling up. An additional session and more available spots will give us our largest Junior Guard group to date. The Junior Guard Competition will be held August 2nd in Rehoboth Beach.

Bonfire: The lifeguards will again assist the Beach Committee putting on the annual Bonfire. Fun & games as well as fundraising items and activities will highlight the event. The date is July 3rd 6:30 – 10:00

Respectfully,

Capt. Tim Ferry

**TOWN OF FENWICK ISLAND
BUILDING REPORT
MAY 2010**

PERMIT #	PROPERTY DESCRIPTION	PROJECT DESCRIPTION	E.C.C.	TOTAL
3874	Sussex Marine Contractor N. Pernick 1500 Bay Street 1-34 23.12 145.00 Lot 115	Replace 5'x40' pier; 5'x10' dock; 56' bulkhead & 56' rip-rap	\$14,500.00	\$435.00
3875	Ocean View Plumbing Village of Fenwick 300 Coastal Highway 1-34 23.20 47.00 Lots 12 thru 17	Hook-up to Artesian Water	-0-	\$50.00
3876	S. Tucker 13 W. Farmington St. 1-34 23.12 89.00 Lot 197	Re-shingle roof	\$4,000.00	\$120.00
3877	Zonko Builders R. McCabe 1012 Schulz Road 1-34 23.12 2.01 Lot 504	Construct (2) 10'x16' cedar pergolas	\$12,000.00	\$360.00
3878	Atlantic Building Svc. N. Furman 3 E. Atlantic St. 1-34 23.16 287.00 Lot 11	Re-shingle roof	\$1,200.00	\$50.00
3879	J. Moyle #14 Fenwick Town Villag 604 Coastal Highway 1-34 23.16 145.00	Install 2-ton HVAC unit	\$2,500.00	\$75.00
3880	Delmarva Home Svc. A. Decessaris 1609 Coastal Hwy. 1-34 23.08 14.02 Lot 8	Enclose existing 2 nd floor deck, new 1 st floor deck	\$26,250.00	\$787.50
3881 VOID				
3882	Bayshore Marine J. DeAngelis 4 W. Essex St. 1-34 23.12 53.00 Lot 11-E	Install rotating jet ski lift	\$2,000.00	\$60.00
		TOTAL	\$62450.00	\$1,937.50

PUBLIC WORKS DEPARTMENT REPORT
May 12, 2010 to June 16, 2010

The following activities have been performed by the Public Works Department for this time period.

- Drainage, shoulder, sign, and post work was performed throughout this time frame.
- Routine maintenance of buildings, equipment, park, grounds, right of way, and median was performed during this time frame.
- Crusher run stone in right of way as needed.
- Cut and trimming of grass in town right of way and park.
- Spraying shoulders of roads for weeds.
- Sweeping town streets and cleaning intersections.
- Get trees from East Coast and deliver to addresses.
- Painting park spring toys.
- Install Rip Current signs at beach ends.
- Get equipment ready for memorial day in the park.
- Put 12 lifeguard stands out on beach ends.
- Repair rock end Windward Way street end.
- Repair broken park light near sidewalk
- Put letters on beach ends beach side.
- Portable tool and general truck safety meeting
- Order one brick for park walk.
- Put equipment away after memorial day in the park.
- Put up volleyball court, posts, net, rope.
- Bulk trash pick up June 7, 8, 9
- Straighten out basketball court mat.
- Obtained and installed five brick in park walkway.
- Water flower pots along coastal highway
- Put together two office chairs.
- Repair leak in park water system.

Respectfully submitted,
Wilmer E. Abbott IV
Town Manager

FENWICK ISLAND POLICE DEPARTMENT

MEMORANDUM

TO: PRESIDENT
COUNCIL MEMBERS
CITIZENS

FROM: Chief William Boyden

DATE: June 11, 2010

SUBJECT: MONTHLY REPORT

Here is the MAY monthly report for your review and approval:

	2010	2009
Traffic Arrests/Citations	142	115
Total Number of Complaints	63	50
DUI Arrests	1	2
Criminal Arrests	10	8
Parking Tickets	22	19
Time Assisting DE State Police	14	N/A
Time assisting other agencies	2.5	N/A

TO: Fenwick Island Town Council
FROM: Winnie Lewis, Chair, Planning Commission

- The Parks and Recreation Advisory Group, under the leadership of Lois Twilley, met on June 7. Members of the group proposed a draft park/open space preservation and recreational plan. Work continues on the draft plan for the next meeting scheduled for July 12 @3:00 PM.
- The Cultural & Historic Preservation Sub-committee met on June 8. Discussion regarding a summer activity continued. Tentative date for Old Fenwick Island Day 2010 is August 11. A display featuring old commercial establishments will compliment the current display. Members will conduct a walking tour to the featured establishments. Kim Grimes, 31 W Atlantic Street, Fenwick Island DE, will host a "Share the Memories" cocktail party on June 22 @6:00 PM. No July meeting date set.
- The Planning Commission met on June 8. Members discussed recent committee/council activities as they relate to Comprehensive Plan implementation. Members also discussed the Third Annual Review which must be finalized at the July meeting. Members discussed a proposal to dissolve the Cultural and Historic Preservation Sub-committee, recommending that they consider becoming an independent body (501(c)3) and a second proposal to recommend to Council that it consider sympathetic design standards when approving construction plans. In light of the planned August activity, no action will be taken until the September meeting. Member Todd Smallwood will request \$500 from Council to fund the C&HP activity for August 2010. The next meeting of the Planning Commission is July 13 @2:30 PM.

Respectfully Submitted,

Winnie Lewis
WL/adip

PROPOSED: (Delete EXISTING Chapter 127)

Chapter 127, SANITATION

ARTICLE I

Fees for Collection of Solid Waste

§ 127-1. Definitions.

DWELLING, SINGLE-FAMILY -- A building constructed for occupancy as a single-family residence.

PERSON -- Includes firms, companies, corporations, partnerships, associations or any organization entity as well as individuals.

SUITABLE PROTECTION -- a means or device to enclose trash containers which will also prevent the containers, lids and their contents from being blown about by the wind. Suitable protection shall be constructed to permit easy access to the enclosed trash containers for trash removal by the collector and shall be no higher than 30 inches above the surrounding ground level where top access only is provided. If higher than 30 inches, an appropriate side or back shall be open or readily opened to permit access to each container and such container shall be readily accessible from the street.

TOWN COUNCIL DESIGNEE -- member of the Fenwick Island Police Department or Town of Fenwick Island employee.

TRASH -- Includes garbage, rubbish, yard waste, construction debris, recyclables and/or any other foreign waste.

§ 127-2. Annual service fee.

Property owners of single-family dwellings in the Residential Zone and property owners of single-family dwellings in the Commercial Zone in the Town of Fenwick Island, Delaware, shall be assessed an annual service fee for the collection of garbage, recyclables, yard waste and trash by the Town of Fenwick Island. Owners of properties in the Commercial Zone used for purposes other than single-family dwellings shall engage the services of private garbage, recyclables, yard waste and trash removal companies for the removal of such items in accordance with the rules and regulations set forth below in Article II, Handling and Disposition of Solid Waste.

§ 127-3. Determination of fee.

The annual service fee for single-family dwellings shall be determined by Town Council as a budget item annually.

§ 127-4. Rendering and payment of fee.

For property owners of single-family dwellings, the notice, rendering and payment of the annual service fees for the collection of garbage, recyclables, yard waste and trash shall be in the same manner as is prescribed for the notice, rendering the payment of the Town property tax, pursuant to Section 24 of the Town Charter. The

proration of the annual fee, if any, shall be determined in accordance with the procedures for the proration of taxes on new buildings as set forth in Chapter 146, Taxation, Article I, Reassessment.

§ 127-5. Delinquent fees.

For property owners of single-family dwellings, the procedure for the collection of any delinquent annual service fee for the collection of garbage, recyclables, yard waste and trash shall be the same as prescribed for the collection of a delinquent property tax, pursuant to the provisions of the Town Charter.

ARTICLE II
Handling and Disposition of Solid Waste

§ 127-6. Garbage on public or private property prohibited.

It shall be unlawful for any person to place trash, yard waste, construction debris or any other foreign waste on any public or private property within the Town of Fenwick Island except as provided in §61-15A and §127-7 hereof.

§ 127-7. Regulations for handling and disposition of trash.

A. Concerning the handling and disposition of trash in the Residential Zone, the following rules and regulations shall apply:

1. The owner or occupier of any given property shall place all trash into containers and place the containers along the curb in front of such property in order that the trash may be conveniently removed by the collector thereof.
2. All bramble, sticks, tree trimmings and the like shall be securely tied together in bundles, each of which shall not exceed 50 pounds in weight or four feet in length.
3. All trash shall be placed in covered plastic or metal containers, not to exceed 32 gallons in size or 50 pounds in weight when filled, and shall be watertight to prevent leakage and covered to exclude water.
4. Unless suitable protection is provided by a container bin, all containers shall be placed along the front property line no earlier than 12:00 noon the day prior to collection and removed no later than 8:00p.m. on the day trash has been collected.
5. No person shall dispose of any garbage, recyclables, yard waste ,trash or litter of any kind by throwing or placing it upon any property within the confines of the Town or within a distance of one mile of the Town limits.
6. No person shall put or place any garbage, recyclables, yard waste and trash collected or gathered from one property upon or in front of any other property or within the Town without the express consent and permission of the owner of such other property to do so.
7. All public waste containers placed by the Town of Fenwick Island shall be used by the general public for the disposal of trash accumulated while using the public areas of the Town. These containers shall not be used for disposal of residential and/or commercial trash.

B. Concerning the handling and disposition of trash in the Commercial Zone, the following rules and regulations shall apply:

1. Any business which continuously uses more than five containers of trash, rubbish or garbage shall be required to place its garbage, recyclables, yard waste and trash in a one- or two-ton dumpster provided by the owner. All dumpsters shall have tight-fitting lids which shall be kept closed except when filling or emptying and shall be watertight to prevent leakage. All dumpsters shall be situated on a paved area at least of equal size as the dumpster and shall not be less than 10 feet from any neighboring or adjacent property line.

2. All businesses should have trash removed as often as necessary to comply with Subsection B3(a) and B3(b) of this section.

3. The following maintenance requirements must be met:

(a) The owner and/or tenant of any property shall maintain trash containers of all kinds in a well repaired, clean, odorless condition so that these containers shall not in any way be offensive or injurious to the health of the residents of the Town of Fenwick Island. The owner and/or tenant of any property shall maintain the area where trash containers and dumpsters are placed in a clean, odorless and sanitary condition so that this area shall not be offensive by odor or injurious to the health of the residents of the Town of Fenwick Island or kept in an unsightly condition or in a condition which is detrimental to the adjacent properties and the general neighborhood.

(b) A Town Council designee shall have discretion in determining when there exists an unsanitary condition of either the containers or the area where the containers are placed so that the containers and container area are not injurious to the health of the residents of the Town of Fenwick Island, cause an unsightly condition or become detrimental to the adjacent properties and the general neighborhood.

(c) After making such a determination, a Town Council designee shall give written notice of the violation to the owner and/or tenant of the property on which the condition exists. The notice shall set a time limit for correction, removal or abatement of the condition, which period shall not exceed five days. Said notice may be served by the Police Department or a Town employee, or it may be served by registered or certified mail.

(d) The owner and/or tenant of the property shall be guilty of failing to correct, remove or abate an unsanitary condition that may be injurious to health, unsightly or detrimental to the adjacent properties or general neighborhood if the condition continues to exist on or after the removal or abatement date that is set on the written notice.

§ 127-8. Violations and penalties

Any person violating any provision of this Article shall, upon conviction thereof, be subject to a fine of \$200. It shall be determined that each day that an unsanitary or injurious to health condition or a condition which is unsightly or detrimental to the adjacent properties or general neighborhood exists after the date set for correction of the condition shall constitute a separate offense.

ARTICLE III
General Provisions

§ 127-9. Unsanitary conditions prohibited.

A. It shall be unlawful to pump, drain, pour or throw in or on the streets, alleys, ditches, underdrains, water, lagoons, bay or private property within the Town of Fenwick Island, Delaware, any sewage, slops, filth, unclean water or other liquids that are unsanitary or injurious to the health of the residents of said Town. All water removed from a pool, hot tub or spa shall be deposited in a sanitary sewer system.

B. After proper notice is provided, it shall be unlawful to fail to correct or eliminate any unsanitary or health condition deemed injurious to the residents of the Town of Fenwick Island.

§ 127-10. Determination of unsanitary condition and notice of violation.

A. The **Town Council designee** shall have discretion in determining where there exists a condition that may be unsanitary, or in any way injurious to the health of the residents of the Town of Fenwick Island

B. After making such a determination, the **Town Council designee** shall give written notice of the violation to the owner, occupier of the structure home, building, vehicle or other object or another person appearing to be causing such condition. The notice shall set a time limit for the correction, removal or abatement of the condition, which period shall not exceed 15 days.

C. Said notice may be served by Police Department or a Town employee, or it may be served by way of registered or certified mail.

§ 127-11. Violations and penalties.

A. A person shall be guilty of failing to correct, remove or abate any violation of this ordinance if such violation continues to exist on or after the date set for removal in the given notice. The notice given under this Article shall expire one year from the date set for correction, removal or abatement.

B. **Upon conviction for failure to correct, remove or abate an unsanitary or injurious to health condition, the guilty party shall be fined \$200 for each offense. It shall be determined that each day that the condition exists after the date set for correction, removal or abatement shall constitute a separate offense, thereby permitting the imposition of a fine for each day of the continuing offense.**

Chapter 131, SEWERS

EXISTING:

§ 131-1. Permission to construct and maintain sewage system.

Sussex County is hereby granted permission to construct, maintain, operate, repair and replace water distribution and sanitary sewage collection lines, force mains, lift station, pump stations, manholes and other appurtenances within the rights-of-way of all roads within the town limits which are dedicated to public use in accordance with the requirements of Title 9, Chapter 67, Paragraph 6703 of the Delaware Code, provided that all roads of Fenwick Island that are damaged or removed in the course of water and sewer facility installation and repair shall be replaced in accordance with the Delaware Division of Highways standards for secondary roads and paving damaged or removed from roads maintained by the Delaware Division of Highways shall be replaced in accordance with the Delaware Division of Highways' requirements. The cost thereof shall be made by and at the sole expense of Sussex County.

§ 131-3. Determination and notice of violation.

A. The Town Commissioner of Health and Sanitation, a designee he appoints or a designee of the Town Council shall have discretion in determining when there exists a condition such as set forth in § 131-2 above which is or threatens in any way to be dangerous to the safety or health of the people of Fenwick Island.

B. After making such a determination the Town Commissioner of Health and Sanitation, a designee he appoints or designee of the Town Council shall give written notice of the violation to the owner and/or occupant of the property on which the condition exists. The notice shall set a time limit for correction, removal or abatement of the condition, which period shall not exceed fifteen (15) days. Said notice may be served by the Commissioner of Health and Sanitation, any member of the Town Council, Police Department or town employee, or it may be served by mailing by registered or certified mail with return receipt.

§ 131-4. Violations and penalties.

B. Any person found guilty of failing to correct, remove or abate a dangerous to safety or health condition shall be fined not less than twenty-five dollars (\$25.) nor more than fifty dollars (\$50.) for each offense; and it shall be determined that each day that the condition exists after the date set for correction, removal or abatement shall constitute a separate offense, thereby permitting the imposition of a fine for each day of a continuing offense.

C. If a condition such as set forth in § 131-2 is determined by the Town Commissioner of Health and Sanitation, a designee he appoints or a designee of the Town Council to be an emergency and the owner and or occupant is not available for receipt of notification such as set forth in § 131-3 or if the owner fails to comply with the notification as set forth in § 131-3 within the prescribed time, the town shall have full power and authority to enter into or upon the property in question with such personnel, implements, equipment and vehicles as may be necessary and proper to correct, remove or abate such a condition dangerous to safety or health. Any expense incurred by the town in performing such work, labor and proceedings shall constitute a lien on the property with interest at the lawful rate and shall be collected in the same manner as provided for the collection of delinquent taxes. The payment for such expense shall be in addition to any penalties that may be imposed by Subsection B of this section.

PROPOSED:

§ 131-1. Permission to construct and maintain sewage system.

Remove "water distribution and".

§ 131-3. Determination and notice of violation.

(Replace subsections "A" and "B" as follows:)

A. *The Town Council shall appoint a designee who shall have discretion in determining when there exists a condition such as set forth in § 131-2.*

B. *After such determination has been given, the Town Manager shall give written notice of the violation to the owner and/or occupant of the property on which the condition exists. The notice shall set a time for correction, removal or abatement of the condition, which period shall not exceed fifteen (15) days.*

§ 131-4. Violations and penalties.

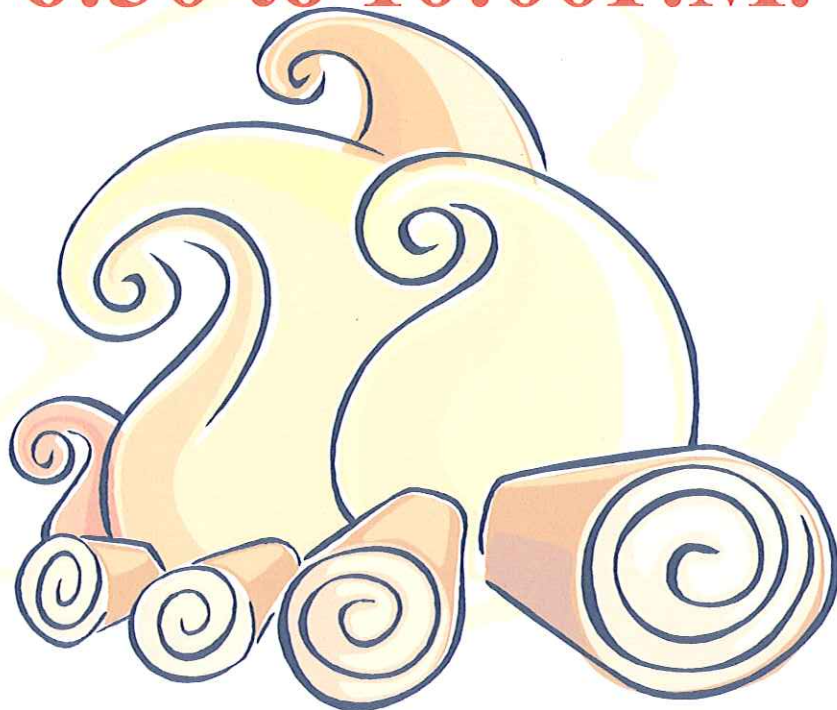
B. Upon conviction, such person found guilty of failing to correct, remove or abate a dangerous to safety or health condition shall be fined \$200 for each offense. It shall be determined that each day that the condition exists after the date set for correction, removal or abatement shall constitute a separate offense, thereby permitting the imposition of a fine for each day of a continuing offense.

(Replace subsection "C" as follows:)

C. If such condition as set forth in § 131-2 is determined by the Town of Fenwick Island to be an emergency and the owner and/or occupant is not available for receipt of notification such as set forth in § 131-3 or if the owner fails to comply with the notification as set forth in § 131-3 within the prescribed time, the Town of Fenwick Island shall have the power to enter the property and correct the problem. The payment for such expense shall be in addition to any penalties that may be imposed by Subsection B of this section.

TOWN BONFIRE

On the beach at
Dagsboro Street
Saturday, July 3
6:30 to 10:00P.M.



Rain date July 4th